

REMARKS

Favorable reconsideration of this application is respectfully requested.

The specification has been amended to add section headings and to clarify the language in the paragraph on line 26 of page 4.

Claims 1-26 are present in this application, claims 10-26 being added by way of the present amendment. Claims 1-4 stand rejected under 35 U.S.C. §102(b) over EP0964595 (Tsumura) and claims 3-4 stand rejected under 35 U.S.C. §103(a) over Tsumura in view of U.S. 6,411,612 (Halford).

Claims 1-9 have been amended to correct a typographical error, “characterised” is now --characterized--.

It is noted that the §102(b) states that claims 1-4 are rejected while omitting any discussion of claims 3 and 4. Also noted is the discussion of the §103(a) rejection where it is admitted that Tsumura does not explicitly teach the elements of claims 3 and 4. It appears that claims 3 and 4 are not anticipated by Tsumura, and withdrawal of the §102(b) rejection of claims 3 and 4 over Tsumura is respectfully requested.

Claims 5-9 were objected to as being in improper form as dependent from multiple dependent claim 4. However, it is proper to have a singly dependent claim to depend from a multiple dependent claim (see MPEP §608.01(n)). Claims 5-7 are not in improper form and should have been examined in the instant Office Action. Accordingly, examination of the subject matter of original claims 5-7, which is presented in new claims 12-14, 15-17 and 18-20, respectively, is respectfully requested. It is noted that any rejection of claims 12-20 should not be final as they are original claims and the rejection of the claims is not due to any amendment or other act of the Applicant. These claims are effectively being treated on the merits for the first time and thus a final rejection is not warranted. See M.P.E.P. § 706.07(a).

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Claims 8 and 9 are in improper form and have been amended. Also, new claims 10-11 correspond to original claim 8 dependent from only claim 6 and original claim 9 dependent from only claim 7, respectively.

Turning to the §102(b) rejection, claim 1 has been amended and recites a plurality of predetermined allocation criteria consisting of reduction of extra-cellular interference and at least one of intra-cellular interference or optimized use of time resources. Neither of Tsumura or Halford discloses or suggests such a method. In particular, Tsumura chooses criteria of assigning adjacent or non-adjacent frequency channels based upon propagation loss (Fig. 5) or power levels (Fig. 8). Halford is relied upon for what is recited in claims 3 and 4. There is no suggestion of a method including selecting criteria as recited in claim 1. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

It is respectfully submitted that the present application is in condition for allowance and a favorable discussion to that effect is respectfully requested.

Respectfully submitted,

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